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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: )  
JAIN et al. )  
Serial No.: 09/337,675 )  
Filed: June 22, 1999 )  
For: CONTROLLED RELEASE NANO- )  
PARTICULATE COMPOSITIONS )

Group Art Unit: 1615  
Examiner: A. Pulliam

Commissioner for Patents  
Washington, D.C. 20231

Sir:

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111

This is a response to the Office Action mailed on July 23, 2002. By the attached petition for an extension of time and check for the requisite fee, Applicants have extended the time for responding until January 23, 2002.

Please amend the application as follows.

IN THE CLAIMS

In accordance with 37 C.F.R. § 1.121, please substitute for claims 1-13 and 37-40 the following rewritten versions of the same claims, as amended. The attached "Marked-Up Version of the Claims" explicitly shows all changes.

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1. (Twice Amended) A controlled release nanoparticulate composition comprising:
- (a) a nanoparticulate drug composition comprising a poorly soluble nanoparticulate drug to be administered and at least one surface stabilizer associated with the surface of the nanoparticulate drug, wherein the nanoparticulate drug has an effective average particle size of less than about 1000 nm, wherein at least 50% of the drug particles have an average particle size of less than about 1000 nm when measured by light scattering techniques, and

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